

one time per Fill for up to 60 days, in whole or in part and without penalty, at any time up to two (2) weeks prior to the shipment week. In the event Producer delays or reschedules a Single Fill order in whole or in part within the two (2) week period prior to the shipment week, then Producer shall pay to Cargill a rescheduling charge of \$5 per head for those pigs not delivered as scheduled.

2. Both Cargill and Producer have the right to cancel this Request in whole at any time subject to the following terms:

The canceling party shall pay to the non-canceling party liquidated damages equal to the amount as calculated pursuant to the formula below:

$$\begin{aligned} & \$0.07/\text{day} \times 133 \text{ days (133 days equals one fill)} = \\ & \$9.31/\text{head}. \\ & \$9.31/\text{head} \times \text{the number of pigs per fill} \times 2 = \text{liquidated} \\ & \text{damages for the non-canceling party.} \end{aligned}$$

3. Notwithstanding anything in this Request to the contrary:

a. Cargill may, in its sole discretion, treat any request by Producer to (i) cancel more than 50% of the original number of PorkWorks Pigs ordered, or (ii) reduce the number of pigs ordered below 200 or such other minimum order amount as Cargill may notify Producer from time to time, as a complete cancellation, at which time this Request shall automatically terminate, subject to Producer's obligation to pay to Cargill liquidated damages pursuant to the formula as set forth in Section E(2) above, and

b. Cargill shall consider all requests to reschedule deliveries in good faith, but shall not be compelled to agree to any rescheduling of deliveries more than 2 weeks before or 2 weeks beyond the final delivery week stated in Section A(1) above. In the event Producer requests a delivery week outside this period, Cargill may, in its sole discretion, consider this request as a cancellation of the number of pigs requested to be so rescheduled and Producer shall pay Cargill liquidated damages pursuant to the formula as set forth above in Section E(2).

4. In the event Cargill fails to deliver all or any part of a single fill by the end of the week following the agreed target delivery week, Cargill will pay to Producer a sum equal to \$.49 per week per pig for each week that any PorkWorks Pig is delivered late, provided that Producer's facility is empty and ready to receive Cargill's PorkWorks Pigs at all times during the period for which such sum is paid, and provided that in no event shall the aggregate amount paid for any late pig exceed \$9.31 per head. Payment from Cargill shall be due to the Producer 140 days after the scheduled delivery date. In the event that during the delay period the Producer fills the space intended for housing Cargill's PorkWorks Pigs with pigs from any other seller or source, Cargill's obligations under this Request shall automatically cease, Producer's action